

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Enoch Sowah	Team: Squad #7	CCRB Case #: 201901679	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 11/04/2018 10:15 AM	Location of Incident: Sidewalk of 2635 Third Avenue in the Bronx	Precinct: 40	18 Mo. SOL 5/4/2020	EO SOL 12/19/2020	
Date/Time CV Reported Mon, 02/25/2019 10:57 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 02/25/2019 10:57 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POF Karla Arvayo	03624	961318	040 PCT
2. POM Ernesto Bautista	28399	953671	040 PCT
3. POM Eric Droz	13028	952698	044 PCT
4. POF Jovanna Woloski	24350	953055	044 PCT
5. Officers			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Malik Mccloud	30082	954114	040 PCT
2. POM Ritchie Baez	10754	934440	040 PCT
3. POM Arie Froimovich	10716	934887	040 PCT
4. POF Eliana Hernandez	12634	961816	040 PCT
5. SGT Davon Alston	00136	938326	044 PCT
6. LT Andrew Johnson	00000	941966	040 PCT
7. LT Thomas Gross	00000	947050	PSA 7
8. LT John Trotta	00000	898663	050 PCT

Officer(s)	Allegation	Investigator Recommendation
A. Officers	Force: Officers used physical force against § 87(2)(b)	
B.POM Eric Droz	Abuse: Police Officer Eric Droz threatened § 87(2)(b) with the use of force.	
C.POM Eric Droz	Abuse: Police Officer Eric Droz forcibly removed § 87(2)(b) to the hospital.	
D.POF Jovanna Woloski	Abuse: Police Officer Jovanna Woloski forcibly removed § 87(2)(b) to the hospital	
E.POM Ernesto Bautista	Discourtesy: Police Officer Ernesto Bautista acted discourteously toward § 87(2)(b)	
F.POF Jovanna Woloski	Discourtesy: Police Officer Jovanna Woloski acted discourteously toward § 87(2)(b)	
G.POF Jovanna Woloski	Discourtesy: Police Officer Jovanna Woloski spoke discourteously to § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
H.POF Jovanna Woloski	Off. Language: Police Officer Jovanna Woloski made an offensive remark to § 87(2)(b)	
I.POF Karla Arvayo	Discourtesy: Police Officer Karla Arvayo spoke discourteously to § 87(2)(b)	
J.POM Ernesto Bautista	Discourtesy: Police Officer Ernesto Bautista spoke discourteously to § 87(2)(b)	
K.POM Ernesto Bautista	Discourtesy: Police Officer Ernesto Bautista gestured discourteously toward § 87(2)(b)	
L.POM Ernesto Bautista	Off. Language: Police Officer Ernesto Bautista made remarks to § 87(2)(b) based upon his gender.	
M.POM Ernesto Bautista	Abuse: Police Officer Ernesto Bautista made sexually suggestive remarks to § 87(2)(b)	
N.POM Ernesto Bautista	Off. Language: Police Officer Ernesto Bautista made remarks to § 87(2)(b) based upon his ethnicity.	
O.POM Ernesto Bautista	Off. Language: Police Officer Ernesto Bautista made remarks to § 87(2)(b) based upon his race.	
P.POM Ernesto Bautista	Force: Police Officer Ernesto Bautista used physical force against § 87(2)(b) § 87(2)(b).	
§ 87(4-b), § 87(2)(g)	§ 87(4-b), § 87(2)(g)	
§ 87(4-b), § 87(2)(g)	§ 87(4-b), § 87(2)(g)	

Case Summary

On February 25, 2019, § 87(2)(b) called the CCRB and filed this complaint.

On November 4, 2018, at approximately 10:15 a.m., in the vicinity of 2635 Third Avenue in the Bronx, unidentified officers allegedly tackled § 87(2)(b) to the ground (**Allegation A: Force, § 87(2)(g)**). Police Officer Eric Droz of the 44th Precinct pointed his Taser at § 87(2)(b) (**Allegation B: Abuse of Authority, § 87(2)(g)**). PO Droz and PO Jovanna Woloski of the 44th Precinct forcibly removed § 87(2)(b) to the hospital (**Allegations C and D: Abuse of Authority, § 87(2)(g)**). Police Officer Ernesto Bautista of the 40th Precinct and PO Woloski acted discourteously towards § 87(2)(b) (**Allegations E and F: Discourtesy, § 87(2)(g)**). PO Woloski spoke discourteously to § 87(2)(b) (**Allegation G: Discourtesy, § 87(2)(g)**), and made offensive remarks to him (**Allegation H: Offensive Language, § 87(2)(g)**). PO Karla Arvayo of the 40th Precinct spoke discourteously to § 87(2)(b) (**Allegation I: Discourtesy, § 87(2)(g)**). PO Bautista spoke and gestured discourteously towards § 87(2)(b) (**Allegations J and K: Discourtesy, § 87(2)(g)**). PO Bautista made sexually suggestive remarks to § 87(2)(b) (**Allegation L: Abuse of Authority, § 87(2)(g)**), and made remarks to § 87(2)(b) based upon his gender, race, ethnicity, and race (**Allegations M through O: Offensive Language, § 87(2)(g)**). PO Bautista used force against § 87(2)(b) (**Allegation P: Force, § 87(2)(g)**), § 87(4-b), § 87(2)(g).

No arrests or summonses resulted from this incident.

Police officers Droz, Woloski, Arvayo, Eliana Hernandez, Malik McCloud, and Sergeant Davon Alston recorded this incident on their body worn cameras.

Findings and Recommendations

Allegation (A) Force: Officers used physical force against § 87(2)(b)

Allegation (B) Abuse of Authority: Police Officer Eric Droz threatened § 87(2)(b) with the use of force.

§ 87(2)(b) (BR01) said that he entered a local Deli, located at the corner of § 87(2)(b) § 87(2)(b) in the Bronx, grabbed an apple pie cake from the shelves, and walked out of the Deli. § 87(2)(b) who was dressed in a New York Mets jersey and had a baseball bat in his hands, did not recall if he paid for the snack, and acknowledged being intoxicated that day.

§ 87(2)(b) crossed the street and headed towards the Patterson Housing Complex, located near Third Avenue and East 143rd Street. A few minutes later, § 87(2)(b) saw four unidentified officers, none of whom he could describe, walking behind him and ordering him to stop. § 87(2)(b) ignored the officers, and said he refused to stop because he assumed the officers wanted to arrest him for failing to pay for the snack from the Deli. The officers allegedly tackled § 87(2)(b) to the ground from behind. Two of the officers allegedly fell on top of § 87(2)(b) and tried to bring § 87(2)(b)'s hands behind his back. § 87(2)(b) struggled with the officers, but the officers eventually handcuffed him and sat him up against a fire hydrant. § 87(2)(b) did not sustain any injuries as a result of this incident.

PO Droz (BR02) and PO Woloski (BR03), identified via investigation, said that they were stationed in front of the Deli as part of the New York Marathon police detail, when an unidentified employee of the Deli approached them, pointed at § 87(2)(b) and said § 87(2)(b) threatened him with a baseball bat when he confronted § 87(2)(b) failing to pay for food items he had taken from the Deli. PO Droz and PO Woloski followed § 87(2)(b) and

ordered him multiple times to stop. § 87(2)(b) who was approximately 10 feet ahead of the officers, ignored the officers and kept walking.

PO Droz and PO Woloski approached and stood in front of § 87(2)(b). § 87(2)(b) stopped, and began to yell and scream at the officers. PO Droz and PO Woloski did not understand anything § 87(2)(b) said, except that he spoke erratically and irrationally. PO Droz and PO Woloski smelled alcohol on § 87(2)(b)'s breath. observed that § 87(2)(b)'s eyes were dilated, and that he had food particles all over his mouth and beard. § 87(2)(b) had both his hands inside his pocket, and had a baseball bat tucked behind his back. PO Droz and PO Woloski ordered § 87(2)(b) multiple times to show them his hands, but § 87(2)(b) kept yelling and made erratic statements, none of which the officers understood.

PO Droz pulled and pointed his Taser at § 87(2)(b) and ordered him a final time to show the officers his hands. PO Droz said he pointed his Taser at § 87(2)(b) because § 87(2)(b)'s refusal to show his hands, coupled with the fact that he had easy access to the baseball bat and was possibly intoxicated, caused PO Droz to fear for his and PO Woloski's safety, and that of the civilians on the sidewalk. § 87(2)(b) showed the officers his hands, at which point PO Woloski and PO Droz handcuffed him and removed the baseball bat. PO Droz and PO Woloski said there were no additional officers on scene at the time they handcuffed § 87(2)(b) and that at no point during this incident was § 87(2)(b) tackled or brought to the ground.

PO Droz's and PO Woloski's BWC (BR04-BR05) shows PO Droz and PO Woloski standing with § 87(2)(b) who is double cuffed, and holding § 87(2)(b) by his arms and shoulders. At 10:49:24, PO Droz's BWC shows § 87(2)(b) rolling his lips in what appears to be an attempt to gather spit. At 10:49:38, § 87(2)(b) turns towards PO Droz, at which point PO Droz places his right wrist on the side of § 87(2)(b)'s neck and pushes § 87(2)(b)'s head away from him. At 10:51:04, four additional uniformed officers appear to arrive on scene. At 10:49:54, § 87(2)(b) slurs in his speech and repeatedly yells, "The 40th Precinct is trying to kill me." PO Droz and PO Woloski order § 87(2)(b) multiple times to calm down, but he ignores them and continues to yell. At 10:51:24, § 87(2)(b) voluntarily sits on the stoop of the sidewalk, while the officers stand around him. None of the six BWC videos depict § 87(2)(b) being brought to ground at any point during this incident, nor do they depict PO Droz pointing his Taser at § 87(2)(b).

NYPD Patrol Guide Procedure 221-01, permits officers to use force when it is reasonable to ensure their safety or a third person, and to gain compliance and prevent escape from custody (BR06). NYPD Patrol Guide Procedure 221-08, states that conducted electrical weapon (CEW) should only be used against persons who are actively resisting, exhibiting active aggression, or to prevent individuals from physically injuring themselves or other persons actually present. Active resistance includes physically evasive movements to defeat a member of the services' attempt at control. Active aggression consists of a threat or overt act of an assault (through physical or verbal means), coupled with the present ability to carry out the threat or assault, which reasonably indicates that an assault or injury to any person is imminent (BR07).

The BWC does not depict the initial interaction between § 87(2)(b) PO Droz, and PO Woloski, and consequently does not depict PO Droz pointing his Taser at § 87(2)(b) nor does it depict § 87(2)(b) being allegedly brought to the ground prior to being placed in handcuffs. The footage, however, contradicts § 87(2)(b)'s claim that he was tackled to the ground by four uniformed officers, and establishes that PO Droz and PO Woloski were the sole officers to engage and handcuff § 87(2)(b). All the other officers arrived on scene after § 87(2)(b) was handcuffed. § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

Allegation (C) Abuse of Authority: Police Officer Eric Droz forcibly removed § 87(2)(b)

to the hospital.

Allegation (D) Abuse of Authority: Police Officer Jovanna Woloksi forcibly removed § 87(2)(b)

to the hospital.

§ 87(2)(b) said he was forcibly removed to § 87(2)(b) and was hospitalized for approximately five hours. § 87(2)(b) did not know why he was removed to the hospital, nor did he request for medical attention.

PO Droz and PO Woloski said that § 87(2)(b)'s dilated eyes, the stench of alcohol on his breath, and the fact that § 87(2)(b) was acting erratically and had threatened to hit the Deli operator with his baseball bat, caused them to believe that § 87(2)(b) was emotionally disturbed and thus required medical attention rather than an arrest. PO Droz and PO Woloski thus notified a supervisor and requested an ambulance for § 87(2)(b). § 87(2)(b) was then removed to § 87(2)(b) where he acknowledged providing the hospital staff with a fake name and date of birth. The investigation was thus unable to obtain § 87(2)(b)'s medical records.

PO Droz and PO Woloski's BWC show § 87(2)(b) slurring in his speech and yelling erratically. At 10:50:20 and 10:50:48, respectively, PO Droz's BWC captures § 87(2)(b) saying to the officers, "I am a mental patient, I have to go to § 87(2)(b)" and "I need an ambulance. I need a hospital." At 11:00:00, § 87(2)(b) who is still slurring in his speech and yelling erratically, tells the officers that he is "ready to go through the system." An unidentified lieutenant tells § 87(2)(b) that the officers are waiting for an ambulance. At 11:00:09, § 87(2)(b) replies, "I don't wanna (inaudible). No, fuck the ambulance. I don't want no ambulance. I want to go the Precinct and then the system." At 11:00:13, the unidentified lieutenant tells § 87(2)(b) "No I can't. You gotta to the hospital. At § 87(2)(b), § 87(2)(b) is placed an ambulance and removed to the hospital.

NYPD Patrol Guide Procedure 221-13, defines an emotionally disturbed person (EDP) as somebody who appears to be mentally ill or temporarily deranged and is conducting themselves in a manner which a police officer reasonably believed is likely to result in serious injury to themselves and others. When an officer reasonably believes that a person is an EDP, that person may be taken into protective custody or transported to the hospital for treatment(BR08).

The video footage establishes that § 87(2)(b) initially requested for medical attention, and informed the officers that he was mentally ill. § 87(2)(b) however, subsequently withdrew his request for medical attention, but continued to slur in his speech and act erratically. § 87(2)(b), § 87(2)(g)

Allegation (E) Discourtesy: Police Officer Ernesto Bautista acted discourteously towards

§ 87(2)(b)

Allegation (F) Discourtesy: Police Officer Jovanna Woloksi acted discourteously towards

§ 87(2)(b)

Allegation (G) Discourtesy: Police Officer Jovanna Woloski spoke discourteously to

§ 87(2)(b)

Allegation (H) Offensive Language: Police Officer Jovanna Woloski made an offensive remark to

§ 87(2)(b)

Allegation (I) Discourtesy: Police Officer Karla Arvayo spoke discourteously to

§ 87(2)(b)

PO Eliana Hernandez's BWC (BR09) at 10:54:18, shows PO Ernesto Bautista, identified via investigation, removing a clear plastic wrap containing an apple from § 87(2)(b) left pant pocket. PO Bautista then drops both the apple and the wrap on the ground. § 87(2)(b) becomes upset and asks why PO Bautista dropped the apple on the ground. At 10:54:29, § 87(2)(b) attempts to pick the apple from the ground. PO Woloski orders § 87(2)(b) to leave the apple on the ground and attempts to kick it away with her leg. § 87(2)(b) however, picks the apple from the ground. At 10:54:30, PO Woloski snatches the apple from § 87(2)(b)'s hands and throws it further away.

At 10:54:30, PO Woloski is captured on her BWC saying to § 87(2)(b) "Chill the fuck out already," while attempting to snatch the apple from § 87(2)(b)'s hands. At 10:54:37, § 87(2)(b) says to PO Woloski, "Fuck you." PO Woloski replies, "Fuck you too." At 10:54:39, § 87(2)(b) calls PO Woloski "cabrona," which is the Spanish word for slut. At 10:54:40, PO Woloski replies, "yea, tu madre," which translates into English as "yeah, your mother."

At 11:00:38, § 87(2)(b) is captured on PO Karla Arvayo's BWC (BR10) asking the unidentified lieutenant if he could smoke a cigarette. At 11:00:42, PO Arvayo tells § 87(2)(b) that he cannot smoke a cigarette. At 11:00:47, § 87(2)(b) says to PO Arvayo, "Fuck you." PO Arvayo replies, "Fuck you too." At 11:04:10, PO Arvayo tells an unidentified officer that § 87(2)(b) is "just a fucking AIDED."

At 11:04:28, PO Bautista is captured on PO Hernandez's, PO Woloski's, and PO Arvayo's BWCs, holding § 87(2)(b)'s apple that PO Woloski threw away. PO Bautista shows § 87(2)(b) the apple, says to § 87(2)(b) "You see your fucking apple? Fuck your fucking apple," and then smashes the apple on the ground. (PO Bautista's discourteous statements are subsequently addressed in this report).

PO Bautista (BR11) did not recall seeing an apple inside the plastic wrap when he removed it from § 87(2)(b)'s pocket and said this was possibly why he dropped both the apple and the plastic wrap on the ground. PO Bautista did not recall subsequently destroying the apple in front of § 87(2)(b).

PO Bautista was shown portions of the video evidence. He insisted he did not see the apple inside the plastic wrap at the time he threw it on the ground. PO Bautista then said he left the apple on the ground because § 87(2)(b) was eventually not going to be allowed to enter the ambulance with any items, and that he also did not feel safe returning the apple inside § 87(2)(b)'s pocket. PO Bautista attempted to provide an explanation for why he subsequently destroyed § 87(2)(b)'s apple in front of § 87(2)(b) but ultimately said he had no reasonable justification for his conduct.

PO Woloski acknowledged throwing § 87(2)(b)'s apple away, and said she did so because she assumed § 87(2)(b) wanted to throw the apple at officers, and that it was

necessary to remove the apple from his possession. PO Woloski did not however recall what led her to make this assumption, and later acknowledged, after reviewing the BWC, that she did not see § 87(2)(b) attempting to throw the apple at the officers.

PO Woloski and PO Arvayo (BR12) both acknowledged being upset with § 87(2)(b)'s behavior and demeanor throughout this incident, and said their use of profanities towards § 87(2)(b) were borne of their frustration with § 87(2)(b)'s use of profanity towards them.

NYPD Patrol Guide Procedure 203-09, states that officers must be courteous and respectful when interacting with members of the public. (BR13). However, in prior disciplinary cases, the NYPD has held that the use of profane remarks during stressful situations or while an officer is trying to get a chaotic situation under control, does not constitute misconduct. DAO-DCT Disciplinary Case No. 2017-17005 (BR14).

NYPD Patrol Guide Procedure 203-10, prohibits officers from using discourteous or disrespectful remarks regarding a person's gender, and gender identity/expression (BR15).

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

Allegation (J) Discourtesy: Police Officer Ernesto Bautista spoke discourteously to § 87(2)(b)

Allegation (K) Discourtesy: Police Officer Ernesto Bautista gestured discourteously towards § 87(2)(b)

Allegation (L) Offensive Language: Police Officer Ernesto Bautista made remarks to § 87(2)(b) based upon his gender.

Allegation (M) Abuse of Authority: Police Officer Ernesto Bautista made sexually suggestive remarks to § 87(2)(b)

Allegation (N) Offensive Language: Police Officer Ernesto Bautista made remarks to § 87(2)(b) based upon his ethnicity.

Allegation (O) Offensive Language: Police Officer Ernesto Bautista made remarks to § 87(2)(b) based upon his race.

Allegation (P) Force: Police Officer Ernesto Bautista used physical force against § 87(2)(b)

At 10:54:48, § 87(2)(b) is captured on PO Hernandez's and PO Bautista's BWC complaining about the fact that PO Woloski threw his apple away. At 10:55:00, PO Bautista tells § 87(2)(b) to "shut the fuck up." § 87(2)(b) replies, "Fuck you." At 10:55:01, PO Bautista shows § 87(2)(b) the middle finger and says to § 87(2)(b) "Fuck you too."

At 10:55:10, PO Bautista is captured on PO Arvayo's BWC taking approximately one step towards § 87(2)(b) who is handcuffed and seated on the curb of the sidewalk. At 10:55:13, Sgt. Davon Alston instructs all the officers on scene not to engage § 87(2)(b) and PO Hernandez is captured on PO Arvayo's BWC pulling PO Bautista away from § 87(2)(b).

At 10:57:25, PO Arvayo's and PO Hernandez's BWC captures § 87(2)(b) using profanities and making threats to fight PO Bautista in Spanish. At 10:57:25, PO Bautista says to § 87(2)(b) "Fuck you bitch," and "suck my dick." At 10:57:35, PO Bautista says to § 87(2)(b) "Fuck you," and "Fuck you too." At 10:57:41, PO Bautista engages § 87(2)(b) in Spanish, and says to § 87(2)(b) "suck my balls, dirty." At 10:57:50, and at 10:57:53, PO Bautista says to § 87(2)(b) "Fuck you too bitch. Fuck you." At 10:57:55, § 87(2)(b) calls PO Bautista, "a fucking spick and a wet bag." At 10:57:58, PO Bautista, replies, "You a spick too nigga. You are a spick. Fuck you too."

At 10:58:00, PO Bautista is captured on PO Arvayo's BWC pacing back and forth. At 11:58:11, Sgt. Alston approaches PO Bautista and pulls him away from § 87(2)(b) and the officers.

At 10:58:11, Sgt. Alston's BWC (BR16) shows Sgt. Alston speaking to PO Bautista and instructing him to calm down. Sgt. Alston informs PO Bautista that the officers are recording on their body cameras and that PO Bautista might conduct himself professionally. Sgt. Alston instructs PO Bautista to remain behind and walks back to the other officers and § 87(2)(b).

At 10:58:40, PO Bautista, who is standing approximately eight feet away from § 87(2)(b) and the other officers, is captured on PO Arvayo's BWC giving § 87(2)(b) the middle finger. At 10:58:49, PO Bautista moves both his hands towards himself and appears to be asking § 87(2)(b) to "come at him." At 10:59:00, Sgt. Alston approaches PO Bautista second time.

At 10:59:27, Sgt. Alston is captured on his BWC informing PO Bautista not to allow § 87(2)(b) "get a rise" out of him. Sgt. Alston informs PO Bautista that the fact that § 87(2)(b) being irrational does not mean PO Bautista also has to act irrationally.

At 11:02:22, PO Droz and PO Woloski are captured on their respective BWCs escorting § 87(2)(b) to an ambulance. At 11:02:20, PO Droz's BWC shows § 87(2)(b) spitting on a patrol car while being escorted to the ambulance. At 11:02:45, PO Droz's, PO Woloski's, PO Hernandez's, PO Arvayo's, and Sgt. Alston's BWCs, all show officers pinning § 87(2)(b) against the ambulance and applying a face mask.

At 11:04:28, PO Bautista is captured on PO Arvayo, PO Hernandez's and PO Woloski's BWC smashing § 87(2)(b)'s apple on the ground and saying to § 87(2)(b) "You see your fucking apple? Fuck your fucking apple."

At 11:04:45, PO Hernandez's and Sgt. Alston's BWCs shows officers escorting § 87(2)(b) to an ambulance gurney. At 11:04:55, PO Bautista lifts § 87(2)(b) from underneath his legs and thighs, and slams § 87(2)(b) on the ambulance gurney. PO Bautista then says to § 87(2)(b) "You are lightweight motherfucker, a fucking lightweight." At 11:05:47, PO Bautista is captured on PO Arvayo's BWC saying to § 87(2)(b) "You ain't gonna do shit. Fuck you." At 11:05:50, PO Bautista is captured on Sgt. Alston's BWC pointing at § 87(2)(b) and saying to him, "Fuck your fucking apple. Fuck your apple."

PO Bautista offered multiple justifications of his captured conduct on the BWC. He first said that his discourteous hand gestures, profane and offensive remarks to § 87(2)(b) were all aimed at de-escalating § 87(2)(b)'s behavior. PO Bautista said that he had responded to multiple prior incidents involving extremely irate EDP, and that in his experience as a police officer, he found it useful and effective to match the energy, tone, and language with which the

EDP interacted with officers, and that doing so most often than not caused the EDP to calm down and cooperate with officers. PO Bautista said that given that § 87(2)(b) was using profanities towards officers, he believed using profanities towards § 87(2)(b) and matching § 87(2)(b)'s tone and language would help calm § 87(2)(b) down.

PO Bautista then said that he did not find calling § 87(2)(b) “a nigga” to be offensive or derogatory because he grew up in a neighborhood where the term was used colloquially and affectionally amongst people in the community. PO Bautista finally said that his captured conduct on the BWC were borne out of frustration with § 87(2)(b)'s behavior, and that he was not going to allow § 87(2)(b) regardless of being EDP, to verbally assault and threaten him. PO Bautista denied slamming § 87(2)(b) onto the gurney, and said he was overpowered by § 87(2)(b)'s weight, and thus § 87(2)(b) as a result fell onto the gurney when PO Bautista attempted to place him on the gurney.

As discussed earlier, Patrol Guide Procedure 203-09, entreats all officers to be courteous and respectful in their interactions with members of the public, and while DAO-DCT Disciplinary Case No. 2017-17005B, permits officers use of profane remarks during stressful and chaotic situations, Patrol Guide Procedure 203-10, expressly prohibits officers from making remarks about a person's gender, race, ethnicity, sexual orientation, gender identity and expression. Patrol Guide Procedure 221-01, also allows officers to use reasonable force to gain compliance.

§ 87(2)(b), § 87(2)(g)
[Redacted text block]

§ 87(4-b), § 87(2)(g)
[Redacted text block]

§ 87(4-b), § 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b) has been party to two CCRB complaints and has been a named victim in 8 allegations (BR17)
 - § 87(2)(b)
- PO Arvayo has been a member-of-service for three years and has been a subject in two CCRB complaints and six allegations, one of which was exonerated, and the other of which is pending Board Review. § 87(2)(g)
- PO Bautista has been a member-of-service for six years and has been a subject in seven CCRB complaints and 18 allegations, of which six were substantiated
 - Case #201506161 involved substantiated allegations of a chokehold and an unspecified use of force against PO Bautista. The Board recommended charges, but the NYPD rendered a not guilty verdict.
 - Case #201701649 involved substantiated allegations of a stop, frisk, and search of a person against PO Bautista. The Board recommended Command Level Instructions, the NYPD recommended Formalized Training.
 - Case#201809463 involved a substantiated discourtesy word allegation against PO Bautista. The Board recommended Command Disciple A. The NYPD is yet to impose discipline.
 - PO Bautista has a total of six prior force and two discourtesy allegations against him.
- PO Woloski has been a member-of-service for seven years and has been a subject in one CCRB complaints and three allegations, none of which were substantiated, § 87(2)(g)
- PO Droz has been a member-of-service for seven years and has been a subject in one CCRB complaint and two allegations, both of which are currently pending investigation, § 87(2)(g)

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- As of August 30, 2019, the New York City Office of the Comptroller had no record of a Notice of Claim being filed in regards this to complaint (BR18).

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad No.: _____

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date